# UNITED STATES DISTRICT COURT

East	Eastern Di		strict of Pennsylvania			
UNITED STATES OF AMERICA		JUDGMENT IN A CRIMINAL CASE				
v. juan hermilo pizarro-gaytan FILEI		Case Number:	DPAE2:10CR000387-001			
ΓHE DEFENDANT:	MAY 1 8 2012  MICHAEL E. KUNZ, Clerk ByDep. Clerk	USM Number: <u>Carina Laguzzi, Esq.</u> Defendant's Attorney	63178-066			
X pleaded guilty to count(s)						
☐ pleaded nolo contendere t which was accepted by the ☐ was found guilty on count after a plea of not guilty.	e court.					
The defendant is adjudicated	guilty of these offenses:					
Title & Section 21:846 and 841(b)(1)(B) 21:841(b)(1)(B):18:2	Nature of Offense Conspiracy to distribute 500 gran Possession with intent to deliver		Offense Ended 3/2010 3/2010	<u>Count</u> 1 2		
8:1326(b)(2)	and aiding and abetting.  Illegal reentry after deportation.		3/2010	3		
The defendant is sent the Sentencing Reform Act o		gh <u>6</u> of this judgm	ent. The sentence is impo			
Count(s)	is [	are dismissed on the motion	of the United States.			
	e defendant must notify the United S nes, restitution, costs, and special ass e court and United States attorney of	tates attorney for this district with sessments imposed by this judgment f material changes in economic of	hin 30 days of any change ent are fully paid. If ordere circumstances.	of name, resider ed to pay restituti		
	e defendant must notify the United S nes, restitution, costs, and special ass e court and United States attorney o	tates attorney for this district with sessments imposed by this judgment of material changes in economic of May 14, 2012  Date of Imposition of Judgment  Signature of Judge	hin 30 days of any change ent are fully paid. If ordere circumstances.	of name, residered to pay restituti		
	e defendant must notify the United S nes, restitution, costs, and special ass e court and United States attorney o	May 14, 2012  Date of Imposition of Judgment		of name, residered to pay restitut		

(Rev. 06/05) Judgment in Criminal Case
Sheet 2 — Imprisonment

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DEFENDANT:

AO 245B

I

JUAN HERMILO PIZARRO-GAYTAN

CASE NUMBER:

DPAE2:10CR000387-001

## **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

months or	s on Counts 1 through 3 of the Indictment, all such terms to run concurrently.	
X The con Defend Defend Defend	court makes the following recommendations to the Bureau of Prisons:  Sendant receive drug treatment while incarcerated.  Sendant receive alcohol treatment while incarcerated.  Sendant be given for credit for time served in federal custody beginning on date of arrest of May 26, 2010.	
X The de	defendant is remanded to the custody of the United States Marshal.	
☐The de	defendant shall surrender to the United States Marshal for this district:	
□ a	at a.m p.m. on	
□ a	as notified by the United States Marshal.	
☐The de	defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:	
☐ b	before 2 p.m. on	
□ a	as notified by the United States Marshal.	
□ а	as notified by the Probation or Pretrial Services Office.	
	RETURN	
have execut	cuted this judgment as follows:	
Defen	fendant delivered on to	
	, with a certified copy of this judgment.	
	UNITED STATES MARSHAL	
	n	
	By	

DEFENDANT:

JUAN HERMILO PIZARRO-GAYTAN

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#### SUPERVISED RELEASE

Judgment—Page

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

4 years on Counts 1 through 3 of the Indictment, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- X The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- X The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested by a law enforcement officer;
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT:

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## SPECIAL CONDITIONS OF SUPERVISION

The Defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The Defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The Defendant shall cooperate with Immigration and Customs Enforcement to resolve any problems with his status in the United States. The defendant shall provide truthful information and abide by the rules and regulations of the Bureau of Immigration and Customs Enforcement. If deported, the defendant shall not re-enter the United States without the written permission of the Attorney General. If the defendant re-enters the United States, he shall report in person to the nearest U.S. Probation Office within 48 hours.

O 245B	(Rev. 06/05) Judgment in a Criminal Cas
	Sheet 5 — Criminal Monetary Penalties

et 5 — Criminal Monetary Penalties

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DEFENDANT:

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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

ΓALS	Assessment \$ 300.00		<b>Fine</b> 0	\$	Restitution 0
		on is deferred until	An Amena	led Judgment in a Crim	inal Case (AO 245C) will be entered
The defend	ant must make res	titution (including comm	nunity restitution)	to the following payees i	n the amount listed below.
If the defen the priority before the U	dant makes a parti order or percenta United States is pa	al payment, each payee ge payment column belo id.	shall receive an a ow. However, pu	pproximately proportione rsuant to 18 U.S.C. § 366	d payment, unless specified otherwise in 4(i), all nonfederal victims must be paid
ne of Payee		Total Loss*	<u>I</u>	Restitution Ordered	Priority or Percentage
TALS	9		0 \$	0	-
Restitutio	n amount ordered	pursuant to plea agreem	ent \$		
fifteenth o	lay after the date of	f the judgment, pursuan	t to 18 U.S.C. § 3	3612(f). All of the payme	ution or fine is paid in full before the nt options on Sheet 6 may be subject
The court	determined that th	ne defendant does not ha	we the ability to p	pay interest and it is order	ed that:
the ir	nterest requirement	is waived for the	] fine $\square$ res	titution.	
☐ the ir	nterest requirement	for the  fine	restitution is	modified as follows:	
	The determ after such do The defend If the defend the priority before the Une of Payee  TALS  Restitutio  The defend fifteenth to penalticute priority the interest of the interest of the interest of the court the interest of the penalticute in the interest of the penalticute in the interest of the penalticute	TALS \$ 300.00  The determination of restitution after such determination.  The defendant must make rest of the defendant makes a partitute priority order or percentage before the United States is partitude of the United States of the United	TALS \$ 300.00  The determination of restitution is deferred until after such determination.  The defendant must make restitution (including comm of the defendant makes a partial payment, each payee the priority order or percentage payment column beloebefore the United States is paid.  Total Loss*  Total Loss*  Testitution amount ordered pursuant to plea agreem. The defendant must pay interest on restitution and a fifteenth day after the date of the judgment, pursuant to penalties for delinquency and default, pursuant to the interest requirement is waived for the total the interest requirement is waived for the total total the interest requirement is waived for the total total total total total the interest requirement is waived for the total tota	TALS \$ 300.00 \$ 0  The determination of restitution is deferred until An Amenda after such determination.  The defendant must make restitution (including community restitution). If the defendant makes a partial payment, each payee shall receive an athe priority order or percentage payment column below. However, pubefore the United States is paid.  Total Loss*  Total Loss*  Restitution amount ordered pursuant to plea agreement \$  The defendant must pay interest on restitution and a fine of more that fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3 to penalties for delinquency and default, pursuant to 18 U.S.C. § 361  The court determined that the defendant does not have the ability to penalties frequirement is waived for the fine res	TALS \$ 300.00 \$ \$ 0 \$ \$  The determination of restitution is deferred until An _Amended _Judgment in a Crim after such determination.  The defendant must make restitution (including community restitution) to the following payees is lift the defendant makes a partial payment, each payee shall receive an approximately proportione the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 366 before the United States is paid.  The of Payee Total Loss* Restitution Ordered  The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restit fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payme to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).  The court determined that the defendant does not have the ability to pay interest and it is order the interest requirement is waived for the fine restitution.

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Sheet 6 — Schedule of Payments

JUAN HERMILO PIZARRO-GAYTAN

CASE NUMBER:

**DEFENDANT:** 

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#### SCHEDULE OF PAYMENTS

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Hav	ing	assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:	
A	X	due immediately halance due	
		☐ not later than, or ☐ in accordance ☐ C, ☐ D, ☐ E, or X F below; or	
В		Payment to begin immediately (may be combined with $\square$ C, $\square$ D, or $\square$ F below); or	
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or	
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or	
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or	
F	X Special instructions regarding the payment of criminal monetary penalties: \$300.00 Special assessment is due immediately.		
		the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during comment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financia assibility Program, are made to the clerk of the court.  In the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties in Prisons' Inmate Financial assistance in the court in the	
	Jo	oint and Several	
	D	Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.	
	T	The defendant shall pay the cost of prosecution.	
	Т	The defendant shall pay the following court cost(s):	
	T	The defendant shall forfeit the defendant's interest in the following property to the United States:	
Pa (5)	yme ) fin	ents shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, the interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.	